

# SENATE JOURNAL

*Forty-ninth Legislature—Regular Session*

AUSTIN, TEXAS, TUESDAY, JANUARY 9, 1945

## PROCEEDINGS

### FIRST DAY

In accordance with the Constitution and Laws of the State of Texas, the Senate of the Forty-ninth Legislature met in the Senate Chamber of the State Capitol on Tuesday, the ninth day of January, 1945, at 12 o'clock noon.

The Honorable John Lee Smith, Lieutenant Governor and President of the Senate, called the Senate to order.

On invitation of the President, the Reverend W. G. Tankersley, pastor of the Kinney Avenue Baptist Church of Austin, delivered the invocation.

### Temporary Officers

The President announced the appointment of the following temporary officers of the Senate:

Secretary, Bob Barker.  
Journal Clerk, Noel Brown.  
Sergeant-at-Arms, A. De Glandon.  
Chaplain, Reverend J. E. Chester.  
Doorkeeper, R. A. Childers.  
Calendar Clerk, Mrs. Martha Turner.  
Parliamentarian, O. P. Treadwell.

### Roll Call of Senators

The President directed the Secretary of the Senate to call the roll of Senators who were members of the Forty-eighth Legislature and who continue in office as members of the Forty-ninth Legislature.

The roll was called, and the following Senators answered to their names:

Hon. Wardlow Lane, representing the Second Senatorial District, composed of Gregg, Harrison, Panola, Rusk, and Shelby counties.

Hon. Charles R. Jones, representing the Ninth Senatorial District, composed of Cooke, Fannin, and Grayson counties.

Hon. G. C. Morris, representing the

Tenth Senatorial District, composed of Collin, Hunt, Rains, and Rockwall counties.

Hon. W. C. Graves, representing the Eleventh Senatorial District, composed of the County of Dallas.

Hon. L. J. Sulak, representing the Fifteenth Senatorial District, composed of Austin, Colorado, Fayette, Lavaca, and Waller counties.

Hon. Weaver Moore, representing the Sixteenth Senatorial District, composed of the County of Harris.

Hon. William E. Stone, representing the Seventeenth Senatorial District, composed of Brazoria, Chambers, Fort Bend, Galveston, Matagorda, and Wharton counties.

Hon. R. A. Weinert, representing the Nineteenth Senatorial District, composed of Blanco, Caldwell, Comal, Gonzales, Guadalupe, and Hays counties.

Hon. R. C. Lanning, representing the Twenty-second Senatorial District, composed of Denton, Jack, Montague, Palo Pinto, Parker, and Wise counties.

Hon. George Moffett, representing the Twenty-third Senatorial District, composed of Archer, Baylor, Clay, Foard, Hardeman, Knox, Wichita, Wilbarger, and Young counties.

Hon. Penrose B. Metcalfe, representing the Twenty-fifth Senatorial District, composed of Brown, Coke, Coleman, Comanche, Concho, Gillespie, Irion, Kimble, Mason, McCulloch, Menard, Mills, Runnels, Schleicher, Sterling, and Tom Green counties.

Hon. Jesse E. Martin, representing the Twenty-eighth Senatorial District, composed of the County of Tarrant.

The following Senators did not answer to their names:

Hon. Allan Shivers, representing the Fourth Senatorial District, composed of Hardin, Jefferson, Liberty, and Orange counties.

Hon. Rogers Kelley, representing the Twenty-seventh Senatorial Dis-

trict, composed of Brooks, Cameron, Dimmit, Duval, Frio, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, La Salle, McMullen, Nueces, Starr, Webb, Willacy, Zapata, and Zavala counties.

The President announced that Senator Shivers, now serving in the Armed Forces, has been granted permission by the proper authority to attend the Regular Session of the Forty-ninth Legislature and that he is now en route to the City of Austin.

The President also announced that Senator Kelley is now serving in the Armed Forces and is not expected to attend the Regular Session of the Forty-ninth Legislature.

#### Roll Call of Senators-elect

The President directed the Secretary to call the roll of the Senators-elect whose credentials of election had been received from the Secretary of State.

The roll was called and the following Senators-elect answered to their names:

Hon. Howard Carney, to represent the First Senatorial District, composed of Bowie, Cass, Marion, Morris, and Titus counties.

Hon. Ben Ramsey, to represent the Third Senatorial District, composed of Angelina, Cherokee, Jasper, Nacogdoches, Newton, Sabine, San Augustine, and Tyler counties.

Hon. Roger A. Knight, to represent the Fifth Senatorial District, composed of Grimes, Houston, Leon, Madison, Montgomery, Polk, San Jacinto, Trinity, and Walker counties.

Hon. James E. Taylor (elected to fill the unexpired term of Hon. Clay Cotten, deceased), to represent the Sixth Senatorial District, composed of Anderson, Freestone, Henderson, Kaufman, and Navarro counties.

Hon. T. C. Chadick, to represent the Seventh Senatorial District, composed of Camp, Smith, Upshur, Van Zandt, and Wood counties.

Hon. A. M. Aikin, Jr., to represent the Eighth Senatorial District, composed of Delta, Franklin, Hopkins, Lamar, and Red River counties.

Hon. A. B. Crawford, to represent the Twelfth Senatorial District, composed of Ellis, Hill, Hood, Johnson, and Somervell counties.

Hon. Kyle Vick, to represent the

Thirteenth Senatorial District, composed of McLennan, Falls, Limestone, and Milam counties.

Hon. J. Alton York, to represent the Fourteenth Senatorial District, composed of Bastrop, Brazos, Burleson, Lee, Robertson, and Washington counties.

Hon. Fred Mauritz, to represent the Eighteenth Senatorial District, composed of Aransas, Atascosa, Bee, Calhoun, De Witt, Goliad, Karnes, Jackson, Live Oak, Refugio, San Patricio, Victoria, and Wilson counties.

Hon. Buster Brown, to represent the Twenty-first Senatorial District, composed of Bell, Bosque, Coryell, Erath, and Hamilton counties.

Hon. Pat Bullock, to represent the Twenty-fourth Senatorial District, composed of Callahan, Eastland, Fisher, Haskell, Jones, Mitchell, Nolan, Scurry, Shackelford, Stephens, Taylor, and Throckmorton counties.

Hon. J. Franklin Spears, to represent the Twenty-sixth Senatorial District, composed of Bandera, Bexar, Kendall, and Kerr counties.

Hon. H. L. Winfield, to represent the Twenty-ninth Senatorial District, composed of Brewster, Crane, Crockett, Culberson, Ector, Edwards, El Paso, Glasscock, Hudspeth, Jeff Davis, Kinney, Loving, Maverick, Medina, Midland, Pecos, Presidio, Reagan, Real, Reeves, Sutton, Terrell, Upton, Uvalde, Val Verde, Ward, and Winkler counties.

Hon. Grady Hazlewood, to represent the Thirty-first Senatorial District, composed of Armstrong, Briscoe, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler counties.

Hon. Sterling J. Parrish, to represent the Thirtieth Senatorial District, composed of Andrews, Bailey, Borden, Cochran, Cottle, Crosby, Dickens, Dawson, Floyd, Gaines, Garza, Hale, Hockley, Howard, Kent, King, Lamb, Lubbock, Lynn, Martin, Motley, Stonewall, Terry, and Yoakum counties.

Hon. James A. Stanford duly certified by the Secretary of State as Senator-elect from the Twentieth Senatorial District, composed of Burnet, Lampasas, Llano, San Saba, Travis,

and Williamson counties, was not present.

#### Oath Administered to Senators-elect

The President requested all Senators-elect present to assemble at the bar of the Senate and take the constitutional oath of office.

The official oath then was administered by the President to the Senators-elect present.

#### Quorum Present

The President announced a quorum of the Senate present.

The Senators and the Senator-elect who were absent were granted leaves of absence for today and indefinitely on account of important business, on motion of Senator York.

#### Election of President Pro Tempore

The President announced the election of President pro tempore for the Regular Session of the Forty-ninth Legislature as the next business in order.

Senator Metcalfe nominated the Honorable George Moffett of Hardeman County to be President pro tempore of the Senate for the Regular Session of the Forty-ninth Legislature.

Senators Stone, Lane, Hazlewood, Martin and Sulak seconded the nomination of Hon. George Moffett.

Senators York, Metcalfe and Brown were appointed to take up and count the ballots.

The ballots were taken up and counted, and the result was announced as follows:

The Honorable George Moffett received 27 votes.

The President declared that the Honorable George Moffett had been duly elected President pro tempore of the Senate for the Regular Session of the Forty-ninth Legislature; and Senators Metcalfe, Carney, Lanning, Aikin, and York were appointed to escort him to the President's desk, where he took the constitutional oath of office.

The President then presented to the Senate President pro tempore Moffett, who addressed the Senate briefly and thanked the Members of the Senate for the honor conferred upon him.

#### Election of Dean of Senate

Senator Moore moved that the Honorable Allan Shivers of Jefferson County be designated and recognized by the Senate as the Dean of the Senate.

Senator Hazlewood moved that Senator Shivers be declared unanimously elected Dean of the Senate.

The motions prevailed unanimously.

#### Caucus Report

(Senate Resolution 1)

Senator Aikin submitted the following report, previously agreed to by the members of the Senate in caucus:

Senate Chamber,  
Austin, Texas,  
January 9, 1945.

Honorable John Lee Smith, Lieutenant Governor, Senate of Texas, Austin, Texas.

Sir: At a caucus held in the office of the Senate attended by 28 members of the Senate, the following recommendations were made, to-wit:

The following officers were elected to serve for the Forty-ninth Legislature, and at the salaries set opposite their names:

Secretary of the Senate, Bob Barker, \$10.00.

Assistant Secretary of the Senate, Mrs. J. Walter Pierce, \$5.00.

Journal Clerk, Noel K. Brown, \$7.50.  
Sergeant-at-Arms, A. W. Holt, \$7.50.

Assistant Sergeant-at-Arms, A. D. Glandon, \$6.00.

Doorkeeper, R. A. Childers, \$5.00.  
Assistant Doorkeeper, Joel Gunn, \$5.00.

Chaplain, Rev. J. E. Chester, \$5.00.  
Assistant Journal Clerk, Mrs. J. W. E. H. Beck, \$5.00.

Calendar Clerk, Mrs. Martha Turner, \$7.50.

Assistant Calendar Clerk, Mrs. Chas. A. Conley, \$5.00.

Engrossing and Enrolling Clerk, Essie McGinnis, \$7.50.

Postmistress, Mrs. Lola Lawrence, \$6.00.

Mailing Clerk, Mrs. Anne Polglass, \$6.00.

Parliamentarian, named by Lieutenant Governor, O. P. Treadwell, \$7.50.

It is recommended that each Sena-

tor, Lieutenant Governor and the Secretary of the Senate, be permitted to name one secretary, who shall act as clerk of the committee of which the Senator naming such employee is chairman, such employees to receive \$6.00 per day, except the private secretary of the Lieutenant Governor, who shall receive \$7.50 per day, and except the secretary to the Secretary of the Senate who shall receive \$5.00 per day.

It is further recommended that each Senator, the Lieutenant Governor and the Secretary of the Senate be permitted to name two employees of the Senate in addition to their private secretary, that the names of such employees be referred to an assignment committee hereinafter named, that said committee be authorized to select from said list all employees in the Engrossing and Enrolling Room and other departments of the Senate, said employees so named by the Senators, the Lieutenant Governor and the Secretary of the Senate to receive \$5.00 per day.

It is further recommended that the Chairman of the Caucus be authorized to name a committee of five, of which he shall be chairman, which shall include the Lieutenant Governor, and such committee shall be designated as an assignment committee for the purpose of assigning employees as herein authorized and the committee be authorized to select sufficient additional employees at \$5.00 per day to be assigned by it when and where needed.

It is further recommended that the Sergeant-at-Arms be allowed pay for each day of service from the date he ceased to draw compensation from his other employment, and extra employees and the porters who were selected to prepare the Senate Chamber in advance of the meeting be allowed pay for their services, the per diem allowed each of the employees mentioned in this section to be the same as herein fixed.

It is further recommended that the several appointments of employees heretofore made by the Lieutenant Governor and announced in the Senate and considered by the caucus are confirmed.

The salaries of the day and night elevator operators shall be \$4.00 per day each, and the salaries of the porters shall be \$3.00 per day each, ex-

cept the head porter whose salary shall be \$4.00 per day and the porter carrying the mail shall receive \$3.00 per day, and the salaries of the pages shall be \$2.50 per day, and the salaries of the messengers shall be \$3.00 per day.

The Lieutenant Governor is requested to recommend that the Southwestern Telephone Company employ Miss Mary Jacobs to attend the duties of telephone operator of the Senate, and that she be paid \$5.00 per day, and a night operator be named by the assignment committee, out of the employees whose names are filed with said committee.

The Lieutenant Governor, Senators and the Secretary of the Senate are hereby fully authorized and empowered to use any assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that no employee of the Senate shall, during the time he or she is employed, furnish to any person, firm or corporation any information other than general information furnished the public pertaining to the Senate, and they shall not receive any compensation from any person, firm or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to Lieutenant Governor, members of the Senate, Secretary of the Senate, committee, or to the head of a department, shall report for duty at eight o'clock a. m. and one o'clock p. m. each day to the Sergeant-at-Arms of the Senate, except part time employees, who shall report at the place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the Lieutenant Governor, each Senator and the Secretary of the Senate, be allowed the stationery and postage needed by them, respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that 3,000 journals be printed, all of which shall be prorated among the Senators, on the basis of the population of their respective districts, according to the last United States census, and Lieutenant Governor, except that 175 journals shall be furnished the Members of the House.

It is further recommended that the Senate request the State Comptroller of Public Accounts to issue general revenue warrants for the pay of the Members and employees of the Senate upon presentation of the payroll account signed by the Presiding Officer and the Secretary of the Senate.

It is further recommended that each Senator, the Lieutenant Governor, the Secretary of the Senate, and Librarian be permitted to subscribe for three newspapers to be paid for out of the contingent fund.

It is further recommended that the President of the Senate have exclusive appointment of a sufficient number of custodians, messengers, pages, elevator operators, and porters as in his judgment may be necessary.

It is further recommended that the Chairman of the Finance Committee shall have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, who shall discharge the duties of the Finance Committee.

It is further recommended that the private rooms allotted to the Senators by the method as adopted by the caucus be assigned to Senators and their successors unless otherwise directed by the Senate.

It is further recommended that each Senator, as quickly as possible, file with the Secretary of the Senate the name of his private secretary selected; that he also file with the Chairman of the Assignment Committee aforesaid the name of the employees selected, together with his or her postoffice address and a suggestion as to the special qualifications of said employees.

Be It Further Resolved, That no employee of the Senate except those whose official duties require them to work upon the floor of the Senate shall have access to the floor unless that employee shall have been requested by a Senator, the Lieuten-

ant Governor, or the Secretary of the Senate to come on the floor for some official duty, which when performed, he will immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

Be It Further Resolved, That the rules of the Forty-eighth Legislature be adopted as the temporary rules of the Forty-ninth Legislature until Feb. 2, 1945.

Only those who have the privileges of the floor during the sessions of the Senate shall be permitted on the Senate floor for a period of thirty minutes prior to the time the Senate convenes. The Sergeant-at-Arms is instructed to enforce this rule and to permit only those having the privileges of the floor to enter or remain on the Senate floor during such thirty minute period.

Respectfully submitted,

A. M. AIKIN, JR.,  
Chairman of the Caucus.

On motion of Senator Moore, a full reading of the report was dispensed with.

Senator Aikin moved that the report be adopted as a resolution of the Senate.

The motion prevailed by the following vote:

Yeas—28

Aikin	Metcalf
Brown	Moffett
Bullock	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Spears
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Kelley	Shivers
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In accordance with the provisions of the report, Senator Aikin announced the membership of the employment committee as follows: Senator Aikin, Chairman; Lieutenant Governor Smith, Senators Stone, Metcalf, and Martin.

### Oath Administered to Officers of Senate

At the request of the President, the newly elected officers of the Senate named in the caucus report appeared at the bar of the Senate and took the constitutional oath of office.

### Senate Concurrent Resolution 1

(Inauguration of Governor and Lieutenant Governor)

S. C. R. No. 1, Providing for inauguration of Governor and Lieutenant Governor.

Whereas, The Constitution of the State of Texas fixes the inauguration of the newly elected Governor and Lieutenant Governor for the first Tuesday following the convening of the Legislature in each Regular Biennial Session; and

Whereas, It is necessary that a Joint Legislative Inaugural Committee be appointed to make all arrangements for the carrying out of said inauguration; and therefore, be it.

Resolved by the Senate, the House concurring, That the President of the Senate appoint five (5) members of the Senate and that the Speaker of the House appoint five (5) members of the House to compose said Joint Legislative Inaugural Committee; and be it further

Resolved that said Joint Legislative Inaugural Committee be hereby empowered to do all things necessary in arranging the House and order of events in said inauguration.

The resolution was read and was adopted unanimously.

In accordance with the provisions of the resolution, the President announced the appointment of the following committeemen on the part of the Senate: Senators Bullock, Winfield, Lanning and Stone. The President also announced the appointment of Senator-elect Stanford as chairman of the committee, effective upon his taking the oath of office as Senator from the Twentieth Senatorial District.

### Committees to Notify Governor and House

On motion of Senator Aikin the President was authorized to appoint a committee to notify the Governor and a committee to notify the House that

the Senate is organized and ready for the transaction of business.

Accordingly, the President appointed the following committees:

To notify the Governor—Senators Aikin, Lanning, Stone, Carney, and Metcalfe.

To notify the House—Senators Lane, Taylor, Vick, Moore, and Ramsey.

### Governor Notified

The committee to notify the Governor that the Senate is organized and ready to transact business appeared at the bar of the Senate, and Senator Aikin, for the committee, notified the President and the Senate that the committee had performed the duty assigned it.

### Adjournment

On motion of Senator Moore, the Senate, at 1:05 o'clock p. m., adjourned until 11:00 o'clock a. m. tomorrow.

## SECOND DAY

(Wednesday, January 10, 1945)

The Senate met at 11 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Metcalfe
Brown	Moffett
Bullock	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Spears
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yes-